

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL ACTION NO. 5:20-CR-00006-KDB-DSC-1**

UNITED STATES OF AMERICA,

v.

REX ALLAN EVERSOLE,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant Rex Allan Eversole's *pro se* motion for compassionate release and reduction in sentence under 18 U.S.C. § 3582(c)(1). (Doc. No. 39). Having carefully reviewed the Defendant's motion and all other relevant portions of the record, the Court will deny the motion as Defendant has not met his burden to establish that a sentencing reduction is warranted under 18 U.S.C. § 3582(c).

In 2020, Defendant pled guilty to conspiracy to distribute and to possess with intent to distribute methamphetamine. (Doc. No. 25). He was sentenced to 110 months imprisonment plus five years of supervised release. (Doc. No. 36).

Defendant is a 36-year-old male serving his prison sentence at FCI Gilmer in West Virginia. His current projected release date is July 2, 2027. Defendant bases his current motion on the notion that he wants to get out and have a relationship with his two children. (Doc. No. 39). With the Fourth Circuit's recent decision in *United States v. McCoy*, 981 F. 3d 271 (4th Cir. 2020), there is now no applicable policy statement governing compassionate release motions filed by a defendant. *Id.* at 284. As a result, district courts are empowered to consider any extraordinary and compelling

reason for release that a defendant may raise. *Id.* The Court finds that this generalized complaint applicable to presumably a great many inmates does not justify a reduction in sentence.

IT IS, THEREFORE ORDERED, Defendant's *pro se* motion for compassionate release under 18 U.S.C. § 3582(c)(1)," (Doc. No. 39), is **DENIED**.

SO ORDERED.

Signed: February 1, 2023


Kenneth D. Bell
United States District Judge